IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1135 OF 2007

Balraj Gopal Gajala ..Petitioner

versus

State of Maharashtra & Anr. ..Respondents

Shri C. K. Talekar for the Petitioner.

Shri M. S. Mhambre, APP for the Respondents - State.

CORAM : R.M.S. KHANDEPARKAR &
SMT. V.K. TAHILRAMANI, JJ.

DATE : 12TH JULY, 2007.

P.C.

1. Heard.

2. Rule. By consent, Rule made returnable forthwith.

3. By the present Petition, the petitioner seeking to quash the FIR No. 310 of 2006 lodged at Vile Parle Police Station alleging offences under Sections 324, 342, 427, 506(II) r/w. 34 of IPC against the respondent No. 2. It appears that on

account of some dispute between the management and the labour union, certain untoward incident occurred, which led to filing of the complaint in question. However, subsequently the matter appears to have been settled between the parties and the complainant expressed his desire to withdraw the allegations made and levelled against the accused persons in the said complaint and, in fact, filed the Affidavit dated 2.7.2007 wherein in paragraphs 3 and 6 it has been stated as under:

> 3. I say that presently we have amicably settled the dispute and amicably dissolved the problem. I have settled the dispute between myself and accused persons. In view of above I am withdrawing allegations levelled against the accused persons and intents to withdraw case filed against them.
>
> 6. I am making this affidavit to file before this Honourable Court, placing on record my intention to withdraw allegations against accused persons and also to withdraw and dissolved prosecution initiated against the persons on my complaint and further proceedings if any, concerning the said case and as also I consent for withdrawal of the case if any registered against accused person on the basis thereof. I hereby consent for withdrawal and discontinue of inquiry and/or interrogation relating to the matter and to dismiss the matter to avoid further inconvenience to all parties.

4. Upon hearing Advocates and on perusal of the

affidavit, we are satisfied that the complainant sincerely desires to withdraw the allegations made in the complaint and as there is settlement of the dispute between the parties, no purpose will be served in investigating the matter on the basis of the F.I.R. No. 310 of 2006. In the circumstances, therefore, we hereby allow the petition and make the Rule absolute in terms of prayer clause (b) with no order as to costs.

(R.M.S. KHANDEPARKAR, J.)

(SMT. V.K. TAHILRAMANI, J.)